

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KIM LOCKWOOD and V. KATHLEEN)	
LOCKWOOD,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-23-170-R
)	
STATE FARM FIRE AND CASUALTY)	
COMPANY,)	
)	
Defendant.)	

**DEFENDANT STATE FARM FIRE AND CASUALTY COMPANY'S
OBJECTIONS TO PLAINTIFFS' FINAL EXHIBIT LIST AND WITNESS LIST**

Pursuant to the Scheduling Order (Dkt. No. 10), Defendant State Farm Fire and Casualty Company ("State Farm") files its objections to Plaintiffs' Exhibit List (Dkt. No. 20) and Plaintiffs' Witness List (Dkt. No. 19).

With respect to Plaintiffs' listed witnesses, State Farm objects to Plaintiffs' designation of Ian Rupert, Chad T. Williams, P.E., and Sam L. Gould as "non-retained expert[s]," presumably in an attempt to forego the disclosure requirements of Federal Rule of Civil Procedure 26(a)(2). State Farm states that it has not received written reports or disclosures sufficient to comply with Rule 26(a)(2). State Farm reserves the right to file *Daubert* motions to preclude expert testimony of these witnesses.

As an initial matter concerning Plaintiffs' exhibits, State Farm states that most of Plaintiffs' exhibits are not sufficiently identified to allow State Farm to ascertain what is intended such that it can assess whether it has an objection to the generally described

exhibits. Further, based on the descriptions and absence of bates numbers for any of the documents, it appears that some of the exhibits have not been produced by Plaintiffs. Therefore, as to all insufficiently described, too broadly grouped, or not produced exhibits, State Farm submits that either the exhibits should not be permitted, or State Farm should be allowed another opportunity to object when the exhibits are produced and/or sufficiently identified. Further, discovery is ongoing, and it is possible that future discovery will identify the existence of an objection or its scope. Thus, State Farm in no way waives its right to add, modify or supplement its objections to any exhibits herein as part of the Pretrial Order or at trial, as appropriate and permitted by the Court.

SPECIFIC OBJECTIONS TO PLAINTIFFS' FINAL EXHIBIT LIST

	DESCRIPTION	STATE FARM'S OBJECTIONS
1.	State Farm Fire and Casualty Company Insurance Policy No. 96-CS-3371-5	Insufficiently described/incomplete. Further objections reserved. To the extent Plaintiffs intend to refer to documents found at SFF&CC/Lockwood_000001-000031, State Farm does not object to this exhibit.
2.	State Farm Fire and Casualty Company Redacted Claim File for Insurance Claim No. 36-09N3-90Q.	Insufficiently described/incomplete. Further objections reserved. To the extent Plaintiffs intend to refer to documents found at SFF&CC/Lockwood_000032-001400, State Farm does not object to this exhibit.
3.	State Farm Fire and Casualty Company's Underwriting File for the Property.	Insufficiently described/incomplete. Relevance, confusion and unfair prejudice (Fed. R. Evid. 401-403); Speculation and absence of foundation (Fed. R. Evid. 602); hearsay (Fed. R. Evid. 801-802); absence of authentication (Fed. R. Evid. 901). Further objections reserved.
4.	Photographs of the storm damage to the Property.	Insufficiently described/incomplete. Relevance, confusion and unfair prejudice (Fed. R. Evid. 401-403); Speculation and absence of foundation (Fed. R. Evid. 602); hearsay (Fed. R. Evid. 801-802); absence of authentication (Fed. R. Evid. 901). Further objections reserved.

	DESCRIPTION	STATE FARM'S OBJECTIONS
5.	Ian Rupert's Report and proof of loss (only if Defendant's expert reports are admitted into evidence).	Insufficiently described/incomplete. State Farm has not received a report of Ian Rupert. State Farm may move to exclude Mr. Rupert's testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
6.	Plaintiff's Expert, Ian Rupert's photographs of the Property.	Insufficiently described/incomplete. State Farm may move to exclude Mr. Rupert's testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
7.	Plaintiffs' Expert, Ian Rupert's weather data.	Insufficiently described/incomplete. State Farm has not received weather data from Ian Rupert. State Farm may move to exclude Mr. Rupert's testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
8.	Plaintiff's Expert, Ian Rupert's <i>curriculum vitae</i> .	Insufficiently described/incomplete. State Farm has not received Mr. Rupert's <i>curriculum vitae</i> . State Farm may move to exclude Mr. Rupert's testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
9.	Plaintiff's Expert, Ian Rupert's estimate of damages to Plaintiffs' Property.	Insufficiently described/incomplete. State Farm may move to exclude Mr. Rupert's testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
10.	Plaintiffs' Expert, Chad T. Williams, P.E.'s Evaluation and Report and Attachments A and I.	Insufficiently described/incomplete. State Farm may move to exclude Mr. Williams' testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
11.	Plaintiffs' Expert, Chad T. Williams, P.E.'s Weather Data Analysis	Insufficiently described/incomplete. State Farm may move to exclude Mr. Williams' testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.

	DESCRIPTION	STATE FARM'S OBJECTIONS
12.	Plaintiffs' Expert, Chad T. Williams, P.E.'s Field Notes	Insufficiently described/incomplete. State Farm may move to exclude Mr. Williams' testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
13.	Plaintiffs' Expert, Chad T. Williams, P.E.'s Site Observations and Images.	Insufficiently described/incomplete. State Farm may move to exclude Mr. Williams' testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
14.	Plaintiffs' Expert, Chad T. Williams, P.E.'s <i>curriculum vitae</i> .	Insufficiently described/incomplete. State Farm may move to exclude Mr. Williams' testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
15.	Plaintiff's Expert, Sam L. Gould's Meteorological Analysis Evaluation and Report with Attachments.	Insufficiently described/incomplete. State Farm may move to exclude Mr. Gould's testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
16.	Plaintiff's Expert, Sam L. Gould's <i>curriculum vitae</i> .	Insufficiently described/incomplete. State Farm may move to exclude Mr. Gould's testimony under Fed. Rule of Evid. 701-703 and <i>Daubert</i> , and those objections are adopted and asserted herein.
17.	State Farm Fire and Casualty Company's Claim acknowledgment letter dated July 30, 2020.	Insufficiently described/incomplete (Fed. R. Evid. 106). Further objections reserved.
18.	State Farm Fire and Casualty Company's partial denial letter, dated August 26, 2020.	Insufficiently described/incomplete (Fed. R. Evid. 106). Further objections reserved.
19.	State Farm Fire and Casualty Company's Photographs of the Property. (with any comments redacted).	Insufficiently described/incomplete (Fed. R. Evid. 106), unfair prejudice/confusing/misleading (Fed. R. Evid. 403), speculation (Fed. R. Evid. 602); authentication (Fed. R. Evid. 901). Further objections reserved.

	DESCRIPTION	STATE FARM'S OBJECTIONS
20.	Estimates for repairs or benefits owed for the loss to the property.	Insufficiently described/incomplete (Fed. R. Evid. 106). Insufficiently described and so further objections reserved. To the extent it is the State Farm estimates for Plaintiffs' property, no objection.
21.	To the extent not listed, documents produced during discovery, subject to the appropriate evidentiary limitations and objections.	This description does not identify any documents with particularity. State Farm reserves all objections to documents Plaintiffs seek to introduce into evidence under this category once Plaintiffs identify such documents with particularity.
22.	To the extent not listed, any documents or exhibits attached to depositions taken in this case, subject to the appropriate evidentiary limitations and objections.	This description does not identify any documents with particularity. State Farm reserves all objections to documents Plaintiffs seek to introduce into evidence under this category once Plaintiffs identify such documents with particularity.
23.	To the extent not listed, any documents or exhibits listed by Defendant, if not objected to by Plaintiffs.	This description does not identify any documents with particularity. State Farm reserves all objections to documents Plaintiffs seek to introduce into evidence under this category once Plaintiffs identify such documents with particularity.

Respectfully submitted,

/s/ Andrew E. Henry

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**ATTORNEY FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of October, 2023, I electronically transmitted the foregoing document to the Court Clerk using the ECF system of filing, which will transmit a Notice of Electronic Filing to the following ECF registrants:

Terry M. McKeever
FOSHEE & YAFEE
P.O. Box 890420
Oklahoma City, OK 73189

/s/ Andrew E. Henry

Andrew E. Henry